

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ROBERT E. BROWN and,)	
SHIRLEY H. BROWN, h/w,)	C. A. 04-617 SLR
Plaintiffs,)	
v.)	
)	JURY DEMANDED
INTERBAY FUNDING, LLC, and)	
LEGRECA & QUINN REAL ESTATE)	
SERVICES INC.,)	
Defendants.)	

MOTION TO STRIKE

NOW COMES the Defendant Lagreca & Quinn Real Estate Services, Inc. (hereinafter “Lagreca & Quinn”), by and through its attorney, and hereby moves this Honorable Court to strike from the record Plaintiffs’ filings D.I. 89 and D.I. 90, Plaintiffs’ affidavits of complaints. In support of this motion the Defendant Lagreca & Quinn avers the following:

1. April 26, 2005, Plaintiffs filed documents which they entitled “Addendum of Robert Browns’(sic) Affidavits of Complaint Filed with the State of Delaware and the Commonwealth of Pennsylvania. . .”.
2. These so-called “Addendums” are not addendums to anything, but rather are additional motions for summary judgment and serve as Plaintiffs’ attempt to improperly reiterate and amend the arguments they presented in their motion for summary judgment now that the deadline for dispositive motions is past.
3. Plaintiffs’ so-called Addendums are improper pleadings which fail to comply with any Federal Rule of Civil Procedure.
4. Plaintiffs’ so-called Addendums are Plaintiffs’ blatant attempt to influence this Court, improperly reiterate the allegations of their District Court Complaint and

dispositive motions, amend their pleadings and motions, and unduly prejudice Defendants.

5. The documents which are Plaintiffs' so-called Addendums are redundant, immaterial and impertinent and should not be part of the record in this instant action.
6. In addition, Plaintiffs' "Addendum" D.I. 90 is an exact duplicate of their "Addendum" D.I. 89.
7. F.R.C.P. 12(f) allows this Court to strike from the record any redundant, immaterial and impertinent matter.
8. Plaintiffs are not prejudiced by having these filings removed from the record as these so-called addendums add nothing new to the record but merely reiterate information already present.
9. Defendant Lagreca & Quinn is prejudiced by having these filings as part of the record as they improperly amend and give emphasis to Plaintiffs' arguments without a procedural means for Defendant to respond.

WHEREFORE, the Defendant Lagreca & Quinn Real Estate Services, Inc. respectfully requests that this Court grant judgment in its favor and strike D.I. 89 and D.I. 90, Plaintiffs' "Addendums," from the record.

REGER & RIZZO, LLP

s/s Carol J. Antoff

Carol J. Antoff, Esquire

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Attorney for Defendant Legreca & Quinn

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ORDER

Now this ____ day of _____, 2005, having heard Defendant Lagreca & Quinn's Motion to Strike Plaintiffs' Addendums to Robert Brown's Affidavits from the record and any response thereto, it is hereby ORDERED and DECREED that D.I. 89 and D.I. 90 are stricken from the record.

J. Sue L. Robinson

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 28th day of April, 2005 that Defendant Lagreca & Quinn Real Estate Services, Inc's Motion to Strike has been served electronically upon the following:

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Shirley H. Brown
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